

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

John Edward Weik,	)	C/A No. 6:18-cv-01585-DCC
	)	
Petitioner,	)	
	)	
v.	)	
	)	<b>OPINION AND ORDER</b>
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Petitioner, a State prisoner proceeding pro se, filed this action pursuant to 28 U.S.C. § 2254 for habeas corpus relief. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.), this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation (“Report”) on July 16, 2018, recommending that the Court dismiss this case without prejudice for failure to prosecute. ECF No. 10. No objections were filed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71. The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation.”  
(quoting Fed. R. Civ. P. 72 advisory committee’s note to 1983 addition)).

Having reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge, the Court finds no clear error and adopts the Report by reference in this Order. Therefore, the case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

August 6, 2018  
Spartanburg, South Carolina